

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP., SMARTMATIC
INTERNATIONAL HOLDING B.V. and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY PILLOW,
INC.,

Defendants.

Case No. 22-cv-00098- WMW-JFD

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSIVE BRIEF**

Defendants Michael J. Lindell and My Pillow, Inc. (“Defendants”) hereby respectfully submit this Unopposed Motion for Extension of Time to File Responsive Brief in the above-captioned action. Plaintiffs have indicated that they do not object to this requested extension and will not oppose this requested extension. In support of this Motion, the undersigned states:

1. The original deadline for Defendants to file their responsive brief was February 16, 2023 by 11:59 p.m. CST;
2. The attorney of Parker Daniels Kibort LLC was the attorney handling discovery including requests, responses, discussions, and the several meet and confers in this matter was diligently working on preparation of the responsive brief for filing on February 16, 2023;

3. The attorney worked from home on the responsive brief and planned to file it timely on February 16, 2023;
4. Late in the day the attorney indicated he would be able to timely file the responsive brief;
5. After not hearing from the attorney for some time, later in the evening our office attempted to reach him multiple times;
6. Despite numerous calls, text messages and emails, no response was received;
7. I became so concerned for the attorney's well-being that around 11:00 p.m. CST, I called 911 to request that they send someone to his residence;
8. I informed opposing counsel by email on February 16 after my call to 911 of our inability to timely file;
9. Emergency services were dispatched to the attorney's residence and were also unable to contact the attorney or enter his residence;
10. We have now learned that the attorney suffered an unexpected medical emergency and presently remains out on medical leave;
11. Opposing counsel has stated in writing that they stipulate to an extension to the end of the day today to file Defendants' responsive brief;
12. This Motion is not made for purposes of delay;
13. Our firm has never missed a set deadline in either state or federal court since our inception, but this situation was unexpected and unavoidable;
14. We apologize to the Court for this unexpected delay and failure to timely file Defendants' responsive brief;

15. Defendants respectfully request a brief extension of time to file their responsive brief.

WHEREFORE, Defendants respectfully request that the Court grant them until today, Friday, February 17, 2023 at 11:59 p.m. CST, to file its responsive brief.

Respectfully submitted,

DATED: February 17, 2023.

PARKER DANIELS KIBORT LLC

By /s/ Andrew D. Parker

Andrew D. Parker (MN Bar No. 195042)
Matthew R. Eslick (MN Bar No. 388494)
888 Colwell Building
123 N. Third Street
Minneapolis, MN 55401
Telephone: (612) 355-4100
Facsimile: (612) 355-4101
parker@parkerdk.com
eslick@parkerdk.com

ATTORNEYS FOR DEFENDANTS